

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

GEORGE & COMPANY, LLC

Plaintiff

v.

IMAGINATION ENTERTAINMENT  
LIMITED, et al.,

Defendants.

Civil No. 1:07 cv 498 (LMB/TRJ)

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**DEFENDANTS' MOTION TO EXCLUDE REPORT AND  
PROHIBIT TESTIMONY OF PLAINTIFF'S MARKETING EXPERTS**

COME NOW Defendants Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. (collectively, "Imagination") and, pursuant to FRCP 37(C)(1), move this Honorable Court for an order to excluding the report and testimony of Jonathan D. Hibbard, Ph.D., and Scott D. Swain, Ph.D.,(collectively referred to as "Plaintiff's Marketing Experts") for failure to make the disclosure required by FRCP 26(a)(2)(B) as is more fully set forth in Defendants' Memorandum in support hereof and filed here with.

WHEREFORE, Defendants Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. request that this Court exclude the Report and bar the testimony of plaintiff's experts, Jonathan D. Hibbard and Scott D. Swain, and award Defendant s Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. their costs, attorneys' fees, and other expenses, and such other relief as this Court deems appropriate.

Respectfully submitted,

/s/ William F. Krebs

William F. Krebs, Esquire

Virginia Bar No. 17347

James R. Schroll, Esquire

Virginia Bar No. 19646

Christopher A. Glaser, Esquire

Virginia Bar No. 43491

Attorney for Defendants Imagination

Entertainment Ltd., and Imagination

Holdings Pty Ltd.

BEAN, KINNEY & KORMAN, P.C.

2300 Wilson Blvd., Seventh Floor

Arlington, VA 22201

Phone: 703-525-4000

Fax: 703-525-2207

### **CERTIFICATION**

I hereby certify that I have in good faith conferred in person with plaintiff's counsel in an effort to secure the disclosure without court action and was unable to reach an agreement. Plaintiff's counsel has indicated plaintiff's intention to oppose this motion.

/s/ William F. Krebs

William F. Krebs, Esquire

Virginia Bar No. 17347

Attorney for Defendants Imagination

Entertainment Ltd., and Imagination

Holdings Pty Ltd.

BEAN, KINNEY & KORMAN, P.C.

2300 Wilson Blvd., Seventh Floor

Arlington, VA 22201

Phone: 703-525-4000

wkrebs@beankinney.com

## CERTIFICATE OF SERVICE

I hereby certify that on the 31st Day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM./ECF System, which will then send a notification of such filing to the following:

Monica Riva Talley, Esquire  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Ave, N.W.  
Washington, DC 20001-4413  
Counsel for Plaintiff

And I certify that I mailed the foregoing by email and US mail to the following non-filing users:

Douglas A. Rettew, Esquire  
Mark Sommers, Esquire  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Ave, N.W.  
Washington, DC 20001-4413  
Co-Counsel for Plaintiff

And by US mail to the following non-filing user:

Jennifer L Whitelaw, Esquire  
WHITELAW LEGAL GROUP  
3838 Tamiami Trail North, Third Floor  
Naples, FL 34103  
Co-Counsel for Plaintiff

/s/ William F. Krebs  
William F. Krebs, Esquire  
Virginia Bar No. 17347  
Attorney for Defendants Imagination  
Entertainment Ltd., and Imagination  
Holdings Pty Ltd.  
BEAN, KINNEY & KORMAN, P.C.  
2300 Wilson Blvd., Seventh Floor  
Arlington, VA 22201  
Phone: 703-525-4000  
Fax: 703-525-2207  
wkrebs@beankinney.com